IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE P.R.RAMAN

MONDAY, THE 16TH JULY 2007 / 25TH ASHADHA 1929

CRP.No. 950 of 2004()

AGAINST THE ORDER DATED 22/11/2002 IN EP.8/1992 IN LAR.144/1985 of II ADDL.SUB COURT,TRIVANDRUM

.....

REVN. PETITIONERS/DECREE HOLDERS/CLAIMANTS:

1. MADHAVA WARRIER KRISHNA WARRIER,
   SREELATHA BHAVAN, KOWDIAR, THIRUVANANTHAPURAM.

2. SAVITHRI AMMA AMBIKA DEVI,
   PEROOR VADAKKE WARRIYATHU VEEDU,
   THURUTHUMOOLA MURI, THIRUVANANTHAPURAM.

BY ADV. SRI.G.SUDHEER KARAKONAM

RESPONDENTS: JUDGMENT DEBTOR/STATE:

STATE OF KERALA,
REPRESENTED BY THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI THOMAS JOHN AMBOOKEN

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 16/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

O R D E R

When this matter was taken up for consideration, neither the counsel nor the petitioner was present.

Dismissed for default.

16/7/2007 Sd/- P.R.RAMAN, JUDGE.

TRUE COPY

P.S. to JUDGE

HARUN-UL-RASHID, J.

C.R.P No. 950 of 2004

Dated this the 31st day of October 2007

ORDER

The decree holders in E.P No.8/1992 in L.A.R. No.144/1985 on the file of the IInd Additional Subordinate Judge's Court, is the revision petitioners herein. The matter arises in execution of a decree passed in L.A.R. 144/1985 . The revision petitioner/ decree holders filed a statement of account on 8-10-2002 claiming Rs.3,75,859/-. The respondent/ judgment debtor filed a statement stating that there is no balance as on date. The court below observed that the revision petitioners/ decree holders are not entitled to get further interest. The court below entered full satisfaction of the decree debt and closed the Execution Petition stating that 'it appears that the amount deposited would cover the interest up to the date of deposit' On a reading of the impugned order I find that the account between the parties which are settled as per E.P, has not been correctly checked and verified by the learned Sub judge. The respondent/judgment debtor has also filed a statement during that period which is not convincing to be true. Therefore I am of the view that the revision petitioners /decree holders shall file a correct statement of account showing the balance amount if any due from the respondent/judgment debtor as per the decree. The respondent/judgment debtor shall also verify the statement of account filed by the revision petitioners/decree holders and to report before the executing court the correctness of the statement. The order under revision petition is set aside and the Civil Revision petition is disposed of as stated above.

HARUN-UL-RASHID, JUDGE

es